

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

OSCAR RENEE ALBA-TOVAR,	)	
	)	Civil No. 05-1899-MO
Petitioner,	)	
	)	
v.	)	
	)	ORDER
UNITED STATES OF AMERICA and	)	
CHARLES DANIELS,	)	
	)	
Respondents.	)	
_____	)	

MOSMAN, District Judge.

This 28 U.S.C. § 2241 habeas corpus action comes before the court on respondents' Motion to Dismiss or in the Alternative Motion for More Definite Statement (#9). Respondents assert that they cannot ascertain the nature of petitioner's claims and ask the court to either: (1) dismiss this case pursuant to Fed. R. Civ. P. 12(b)(6); or (2) require petitioner to file an amended petition which clearly identifies his claims.

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**DISCUSSION**

On December 16, 2005, petitioner, who is proceeding *pro se* in this case, filed a Petition for Writ of Habeas Corpus which did not specifically identify any claims. He did, however, use his Petition to reference various attachments which he filed with the Petition. One of the attachments accompanying the form Petition was a document entitled "Petition for Writ of Hebeas (sic) Corpus Under 28 U.S.C. § 2241." There, petitioner specifically challenges the Bureau of Prisons' calculation of his credit for time served. He alleges that as recently as March 2, 2005, his sentence computation sheet reflected credit for time served starting from June 29, 2004. However, he was later notified that he would only receive credit for time served beginning on July 27, 2004. Petitioner therefore asks the court to restore the resulting 29 days of credit for time served.

Petitioner is clearly challenging the execution of his sentence in this case, and his claim is sufficiently clear to warrant a response to the issue of whether petitioner is entitled to credit for time served from June 29, 2004. Accordingly, respondents' Motion is denied. They shall answer petitioner's Petition within 20 days.

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**CONCLUSION**

Respondents' Motion to Dismiss or in the Alternative Motion for More Definite Statement (#9) is DENIED. Respondents shall file their answer within 20 days.

IT IS SO ORDERED.

DATED this 7 day of June, 2006.

/s/Michael W. Mosman  
Michael W. Mosman  
United States District Judge